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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,561	07/31/2003	Jaime E. Garcia	DEL 02-19-1	2593
23531	7590	05/04/2005	EXAMINER	
SUITER WEST PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,561

Applicant(s)

GARCIA ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 9,15-20,26-29 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-14,21-25 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/04; 9/13/04; 9/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-8, 10-14, 21-25 and 30-33) in the reply filed on April 18, 2005 is acknowledged. The traversal is on the ground(s) that (a) applicant believes that linking claims 1, 10 and 21 are allowable, and (b) applicant's position is that there is no serious burden to examine all of the claims. This is not found persuasive because of the following reasons.

Regarding (a), as stated in the restriction requirement (see paragraph 2),

"Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application."

Therefore, if the linking claims are determined to be allowable, the restriction requirement will be withdrawn with respect to the claims dependent therefrom and applicant's traversal will be moot.

Regarding (b), the Examiner respectfully disagrees with applicant's position. As described in the restriction requirement, the groups are directed to divergent subject matter requiring a divergent search, and to examine all of the inventions (i.e., multiple inventions) in a single application wherein examining time and resources are provided for a single invention would place a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statements filed on March 2, 2004, September 13, 2004 and September 24, 2004 have been received and the references listed thereon have been considered.

Drawings

3. The proposed drawing corrections for Figures 2 and 5 filed on December 12, 2003 have been **approved**. The replacement drawings are **acceptable**.

4. The drawings are objected to because of the following informalities:

In Figure 7, a lead line is missing for numeral 748.

In Figure 9, numeral 58 appears to be inaccurate, and it seems that it should be changed to --958 or the like; also, it seems that numeral 950 is missing and should be added to indicate the barrel mounting.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the grating as set forth in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

If a drawing change is necessary, corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

Specification

6. The disclosure is objected to because of the following informalities:

A description has not been provided for numeral 120 shown in Figure 1.

A description has not been provided for numerals 226 and 228 shown in Figure 2.

A description has not been provided for Figure 3, particularly the numerals shown in Figure 3.

A description has not been provided for numerals 522 and 524 shown in Figure 5.

In paragraph 0025, line 11, "304" appears to be inaccurate, and it seems that it should be changed to --404-- or the like.

In paragraph 0026, line 13, "In embodiments" is unclear as to which embodiments.

In paragraph 0027, line 4, it seems that "a pair" should read --the pair-- or the like; in line 6, the description is incomplete, and it seems that "844" should be changed to --744, 844-- or the like

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-8, 10-14 and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, "alignment device" is vague and indefinite as to what disclosed structure it refers.

In claim 5, lines 2-3, the recitation "are projected adjacent the rotating blade's cutting interface" is vague and indefinite since it positively recites a relationship with respect to the blade which is not part of the claimed invention, and it is suggested to change "are" to --can be-- or the like.

In claim 6, lines 1-2, the recitation "two optical emitting devices" is vague and indefinite as to whether it refers to that/those set forth in claim 1 or to other such

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devices, and it is suggested to change the claim to read --wherein the at least one optical emitting device comprises two optical emitting devices.-- or the like.

In claim 10, line 3, "the optical alignment device" lacks antecedent basis; in lines 11-12, the recitation "are projected adjacent a cutting interface of the rotating blade" is vague and indefinite since it positively recites a relationship with respect to the blade which is not part of the claimed invention, and it is suggested to change "are" to --can be-- or the like.

In claim 21, line 7, the recitation "a first optical emitting device" lacks structural cooperation, particularly supporting structure; in line 9, "a second optical emitting device" lacks structural cooperation, particularly supporting structure.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 4-7, 10, 11, 13, 30, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al., pn 4,885,967.

Bell discloses an optical alignment system with every structural limitation of the claimed invention including a support device (e.g., support structure including end plates 28, 30), a first and second optical emitting device in the form of lasers (e.g., 2, 3, 4), and an alignment device (e.g., structure including rods 24, 26).

Claim Rejections - 35 USC § 102/103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 14 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bell et al., pn 4,885,967.

Bell discloses an optical alignment system with every structural limitation of the claimed invention including optical emitting devices that are fan laser beam generators (e.g., as implied by the description in the specification wherein it is described that the lasers project cutting lines (see the abstract; see col. 2, lines 27-32; col. 5, lines 23 and 27)).

In the alternative, if it is argued that Bell does not disclose fan laser beam generators, the Examiner takes Official notice that such fan laser beam generators are old and well known in the art and provide various well known benefits including providing line rather than point indication. Nutt, pn 4,676,130 discloses one example of such fan laser beam generators. Therefore, it would have been obvious to one having ordinary skill in the art to provide fan laser beam generators on the optical alignment system of Bell for the well known benefits including those described above.

Claim Rejections - 35 USC § 103

12. Claims 3, 8, 12, 21, 22, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al., pn 4,885,967.

Regarding claims 21, 22 and 24, Bell discloses a table saw with almost every structural limitation of the claimed invention but lacks the specific saw configuration; specifically, Bell lacks an aperture in the support surface and lacks the blade extending through the aperture. However, the Examiner takes Official notice that saws having such a configuration are recognized as equivalents in the saw art and are obvious substitutes for each other. Butler, pn 408,790, Linderman, pn 411,925 and Caldwell, pn 714,098 are examples of such saw configurations. Therefore, it would have been obvious to one having ordinary skill in the art to provide a saw configuration on Bell of the type having an aperture in the support surface and a blade extending through the aperture for the reasons described above.

Regarding claim 25, Bell suggests a table saw with every structural limitation of the claimed invention as described above including optical emitting devices that are fan laser beam generators (e.g., as implied by the description in the specification wherein it is described that the lasers project cutting lines (see the abstract; see col. 2, lines 27-32; col. 5, lines 23 and 27)).

In the alternative, if it is argued that Bell does not disclose fan laser beam generators, the Examiner takes Official notice that such fan laser beam generators are old and well known in the art and provide various well known benefits including providing line rather than point indication. Nutt, pn 4,676,130 discloses one example of such fan laser beam generators. Therefore, it would have been obvious to one having ordinary skill in the art to provide fan laser beam generators on the optical alignment system of Bell for the well known benefits including those described above.

Regarding claims 3, 12, 23 and 32, Bell discloses an optical alignment system and a table saw (claim 23) with almost every structural limitation of the claimed invention but lacks optical emitting devices that are helium-neon lasers. However, the Examiner takes Official notice that helium-neon lasers are old and well known in the art and provide various well known benefits including ability to generate a collimated beam of light which substantially minimizes alignment, calibration and measurement problems. Matthews et al., pn 3,976,384 discloses one example of such helium-neon lasers. Therefore, it would have been obvious to one having ordinary skill in the art to provide helium-neon lasers on the optical alignment system of Bell for the well known benefits including those described above.

Regarding claims 8, Bell discloses an optical alignment system and suggests a table saw (claim 25) with almost every structural limitation of the claimed invention but lacks a grating disposed on the end of at least one optical emitting device including two generally parallel linear apertures therein. However, the Examiner takes Official notice that such gratings are old and well known in the art and provide various well known benefits including providing a desired marking configuration including plural marks on an object, and/or directing light rays in a desired direction; for example, to provide a plurality of lines on an object such as a workpiece. Therefore, it would have been obvious to one having ordinary skill in the art to provide a grating with linear apertures as claimed on at least one of the optical emitting devices of Bell for the well known benefits including those described above.

13. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over one of Butler, pn 408,790, Linderman, pn 411,925 or Caldwell, pn 714,098 in view of Bell et al., pn 4,885,967.

Butler, Linderman or Caldwell each discloses a table saw having a well known saw configuration with almost every structural limitation of the claimed invention but lacks an optical alignment system. Bell teaches that such optical alignment systems are known and provide well known benefits including assisting an operator in properly aligning a workpiece before cutting it into strips. Therefore, it would have been obvious to one having ordinary skill in the art to provide an optical alignment system on any one of the well known saws including the saws of the aboved-named patents for the well known benefits including those taught by Bell.

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Regarding claim 25, Bell suggests a table saw with every structural limitation of the claimed invention as described above including optical emitting devices that are fan laser beam generators (e.g., as implied by the description in the specification wherein it is described that the lasers project cutting lines (see the abstract; see col. 2, lines 27-32; col. 5, lines 23 and 27)).

In the alternative, if it is argued that Bell does not disclose fan laser beam generators, the Examiner takes Official notice that such fan laser beam generators are old and well known in the art and provide various well known benefits including providing line rather than point indication. Nutt, pn 4,676,130 discloses one example of such fan laser beam generators. Therefore, it would have been obvious to one having ordinary skill in the art to provide fan laser beam generators on the table saw of Bell for the well known benefits including those described above.

14. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Butler, pn 408,790, Linderman, pn 411,925 or Caldwell, pn 714,098 in view of Bell et al., pn 4,885,967 as applied to claim 21 above, and further in view of Matthews et al., pn 3,976,384.

The combination of Butler, Linderman or Caldwell in view of Bell suggests a table saw with almost every structural limitation of the claimed invention but lacks the alignment system of Bell having optical emitting devices that are helium-neon lasers. However, the Examiner takes Official notice that helium-neon lasers are old and well known in the art and provide various well known benefits including ability to generate a collimated beam of light which substantially minimizes alignment, calibration and

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measurement problems. Matthews et al., pn 3,976,384 discloses one example of such helium-neon lasers. Therefore, it would have been obvious to one having ordinary skill in the art to provide helium-neon lasers on the optical alignment system of Bell for the well known benefits including those described above.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can be reached Monday, Tuesday, Thursday and Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
April 28, 2005

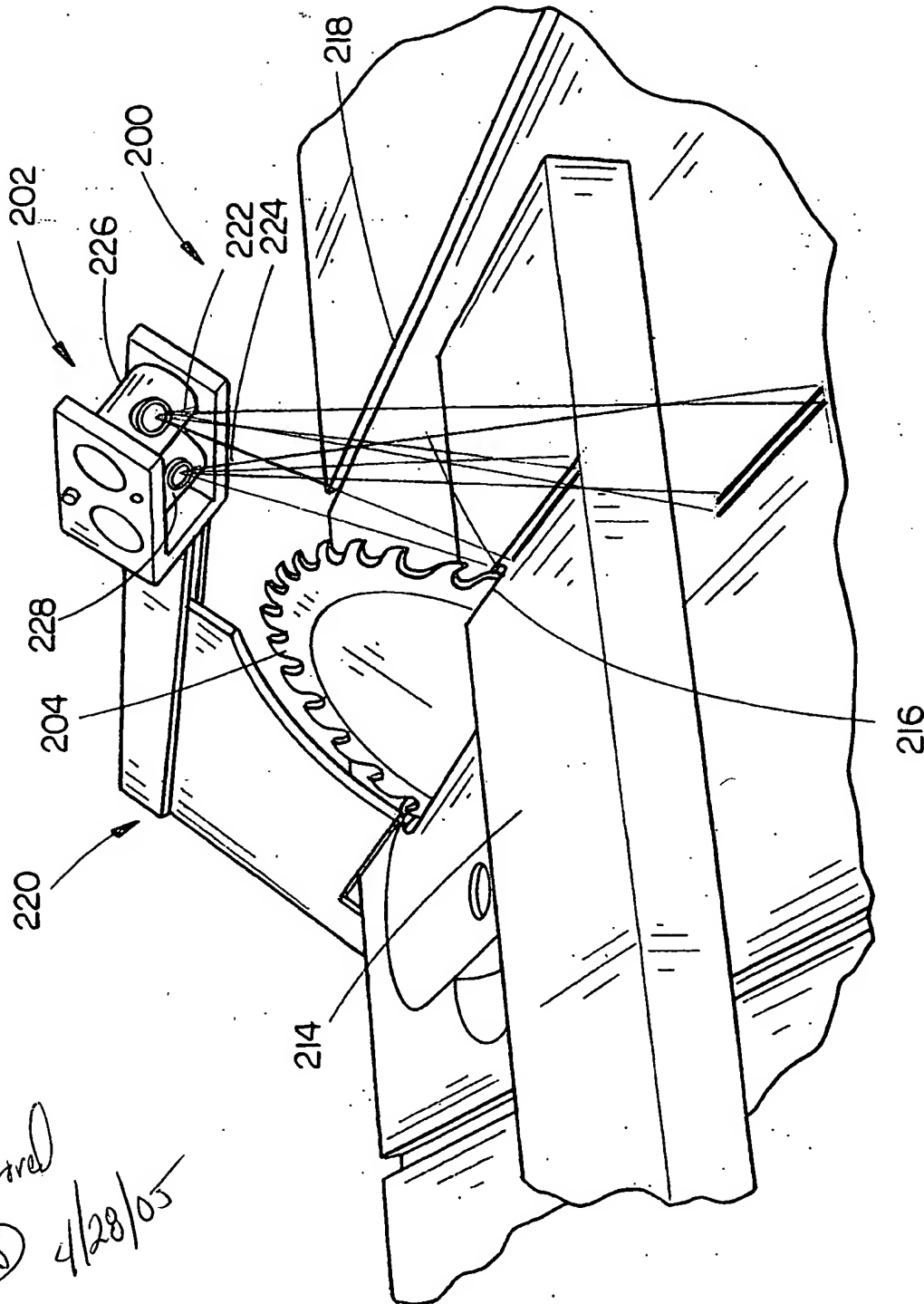


FIG. 2

Approved
(5) 4/28/05

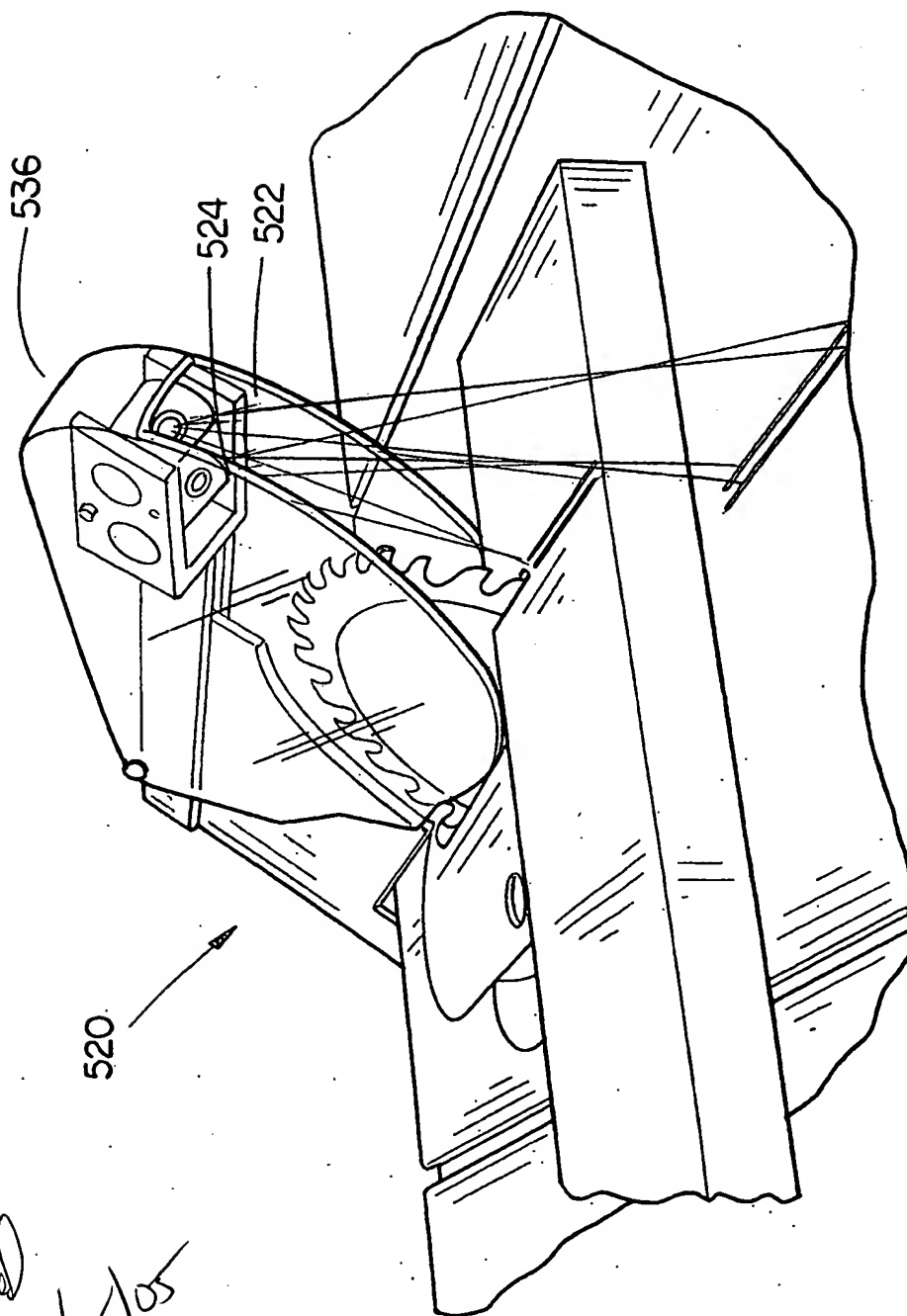


FIG. 5

Approved
CS 4/25/05